

Proposed Iowa Legislation to Verify Citizenship for Voters

Background:

In Iowa, there is virtually no verification when a person registers to vote. For most voter registrations, the person just signs an affidavit on the [voter registration form](#) that says they are a United States Citizen. Neither the state commissioner or county commissioners are required by Iowa law to verify whether a person registering to vote is a U.S. citizen. There is little to no verification of their claim of citizenship.

One notable exception to verification of citizenship is that people who register to [vote online](#) at the Secretary of State's website have their citizenship checked against the Iowa Department of Transportation's (DOT) database. If they are not registered with the DOT, it is uncertain if their citizenship is verified.

The Iowa DOT has a process in place to verify legal residence in the United States before a person can obtain a driver's license or non-operator ID card. The field in the DOT database that records residence has values for citizenship, permanent residency (green card) or temporary residency. Of course, only U.S. citizens are eligible to vote. The value in the field is current as of the last interaction with the DOT client, which may have been several years ago.

The burden of identifying and challenging ineligible voter registrations falls to citizen watchdogs by a little known and rarely used process found in Iowa Code Section 48a.14 – Challenges to Voter Registrations. This process is time consuming for both the challengers and the county commissioner's staff. Furthermore, challenges are limited to registered voters in the county of the ineligible voter. A group of election integrity advocates, True Iowa Vote, has found jury summons respondents all across Iowa who have stated on the jury survey that they are not U.S. citizens and yet they are registered to vote. Where volunteers were available in the applicable counties, the voter registration of these non-citizens has been challenged resulting in a number of them being canceled. Because volunteers are not available in all counties of the non-citizen registered voters, challenges to many of these ineligible voter registrations cannot be filed and they remain on the voter rolls.

Since July 1, 2017, the Iowa courts have provided to the Secretary of State's office a list of people who claimed they are non-citizens on the jury summons questionnaire. The SOS office sends the appropriate names to each county auditor to match with the voter registration list. They are then required to cancel any matches and send the voter a letter explaining why their voter registration was canceled. These cancellations are recorded in the state-wide voter registration database with a specific reason code. Information on the number of non-citizens canceled because of their claim on the jury questionnaire should be available from the SOS office.

Of course, not everyone who is registered to vote gets called for jury duty so this is a small sample of the entire voter registration database. The jury pool is made up of people who are either registered to vote or are registered with the Iowa DOT. In 2015 (the latest year for which I

have data on jury summons), 132,564 prospective jurors responded to a jury summons. At the end of 2015, there were 2,090,298 registered voters in Iowa. Thus, the sample of jury respondents was at most 6.4% of all registered voters for 2015. Undoubtedly, there are many more non-citizens on the voter registration rolls than those discovered by the jury declination process.

Proposed changes:

Overall:

1. Each new voter registration must be verified before the voter status becomes active and the voter can vote a regular ballot. Until then, the application must be considered pending (from the [SOS website](#): "Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A." - § 48A.37). The pending voter can only vote a provisional ballot until their citizenship is confirmed.
2. The voter's citizenship can be established by confirming that the Iowa DOT has the person recorded as a citizen, by confirming citizenship with a federal database operated by the Department of Homeland Security or by the applicant producing the appropriate documents to verify citizenship (such as passport, birth certificate, naturalization papers, or other acceptable proof of citizenship).
3. The Secretary of State shall keep information in the state-wide voter registration database that records the date that citizenship was verified and the method of verification. If a person has previously been verified that they are a citizen of the United States, their citizenship does not need to be verified again if they change their registration or re-register in the same or a different county in Iowa.
4. The state-wide voter registration database shall keep information in the state-wide voter registration database that shows the date that any non-citizen's voter registration was canceled and the steps taken to verify that voter's citizenship.
5. If the citizenship is verified, the information regarding the citizenship status, date verified and method shall be shared with the Iowa DOT to update their records.

New voter registrations:

Pre-registrations:

1. The applicant for voter registration must be confirmed with the Iowa DOT or one of the other methods listed above before they are allowed to vote a regular ballot. Until their citizenship is confirmed their voter status is pending. They are only allowed to vote a provisional ballot until verification of their citizenship.
2. This applies to applications for voter registration on a paper form or online.
3. If an applicant's status in the Iowa DOT database is a non-citizen (i.e., permanent resident or temporary resident), a letter shall be sent to the person at the address on their application stating that they must be a U.S. citizen. They

can provide proof of citizenship by a deadline stated in the letter (30 days?) to their county auditor to complete their registration. The letter shall also give them the option to withdraw their application. If there is no response by the deadline, the registration will be rejected.

4. If the applicant is not found in the Iowa DOT database, then the state commissioner or county commissioner can use a database maintained by the U.S. Department of Homeland Security to verify the citizenship of the applicant.
5. If the applicant cannot be verified by the Iowa DOT database or the Department of Homeland Security, a letter shall be sent to the applicant stating that they have xx days to respond to the letter. They can either provide documents proving their citizenship or they can request that their application for voter registration be rescinded.
6. If the voter does not respond within the time frame stated in the letter, their registration shall be canceled.
7. A voter cannot vote a regular ballot by mail or in person until their citizenship has been verified. They can vote a provisional ballot.

Election Day Registrations:

1. A person wishing to register and vote in person on election day, can vote a regular ballot only by providing proof that they are a U.S. citizen by one of the accepted means (passport, birth certificate, etc.). A valid U.S. passport is already one of the documents accepted for voter ID in Iowa.
2. A person who registers to vote on election day but cannot provide proof of citizenship shall be eligible to vote a provisional ballot.
3. If a person who registers to vote on election day and is not able to prove their citizenship with the appropriate documents, shall have their citizenship verified as outlined under pre-registrations.

Existing voter registrations:

1. To determine if any non-citizens are currently registered to vote in Iowa, the Secretary of State shall verify all registered voters whose citizenship has not been previously verified by comparing the state-wide voter registration database to the Iowa DOT records.
2. If a person is registered with the Iowa DOT but is not a citizen according to DOT records, the SOS can access databases administered by the U.S. Department of Homeland Security to verify the citizenship of the registered voter.
3. If the registered voter's citizenship cannot be verified by either of the methods listed above, the registered voter shall be sent a letter explaining that U.S. citizenship is required to be registered to vote and to vote in Iowa. Since the elections commissioner

has been unable to verify the person's citizenship, they have the option to respond within xx days to provide proof of citizenship to the county commissioner or to request that their voter registration be canceled. If there is no response by the deadline, their voter registration shall be canceled.

4. If a person who is not a citizen of the United States has voted in an Iowa election, the county commissioner shall refer that case to the county attorney for investigation and possible prosecution.

Other provisions:

1. If a voter registration is received by the federal voter registration postcard, an attempt to verify the citizenship of the applicant shall be made via either the Iowa DOT database or a database administered by the Department of Homeland Security. If the citizenship of the applicant using the federal voter registration postcard cannot be verified by one of these methods, the applicant shall be registered to vote and their record in the state-wide database shall be marked that citizenship is unverified and the date and methods recorded.
2. The provisions in this bill must comply with federal statutes and case law, such as the [National Voter Registration Act \(NVRA\) of 1993](#) and Supreme Court case [Arizona v. Inter Tribal Council](#) (2013).
3. The [Iowa Voter Registration Commission](#) shall propose and adopt administrative rules as part of the Iowa Administrative Code (IAC) to govern the verification of citizenship for new and existing registered voters.
4. [Iowa Code 48a.14](#) (Challenges to Voter Registrations) should be changed so that any registered voter in Iowa may challenge any other registered voter in the state. True Iowa Vote has found ineligible voters across the state who are non-citizens or are deceased. Because of lack of volunteers who are registered to vote in those counties, the defective registrations cannot be challenged and remain on the voter rolls.